

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Tevin Jay Maurstad,

Defendant.

Case No. 18-CR-300(1) (SRN/KMM)

ORDER

Andrew R. Winter, United States Attorney's Office, 300 South 4th Street, Suite 600, Minneapolis, MN 55415; Bradley M. Endicott, Department of Justice-United States Attorney's Office, 316 North Robert Street, 404 U.S. Courthouse, Saint Paul, MN 55101, for Plaintiff.

Bruce M. Rivers, Rivers Law Firm, P.A., 701 4th Avenue South, Suite 300, Minneapolis, MN 55415, for Defendant.

SUSAN RICHARD NELSON, United States District Judge

Before the Court is Defendant Tevin Jay Maurstad's Objection ("Objection to R&R") [Doc. No. 101] to the August 21, 2019 Report and Recommendation ("R&R") [Doc. No. 100] filed by Magistrate Judge Katherine Menendez. The R&R addressed Maurstad's pretrial motion to suppress evidence [Doc. No. 43] obtained during the execution of two traffic stops involving Maurstad. The magistrate judge held an evidentiary hearing on the motion on May 7, 2019. (*See* Minute Entry [Doc. No. 70].) In her R&R, the magistrate judge denied Maurstad's motion in its entirety. (*See* R&R [Doc. No. 100] at 1.) For the reasons set forth below, Maurstad's Objection is overruled, and the R&R is affirmed and adopted in full.

I. BACKGROUND

In his objection to the R&R, Maurstad states that “[t]he Report and Recommendation itself accurately states the relevant facts and the arguments made by counsel on [his] behalf.” (Objection to R&R [Doc. No. 101] at 1.) Accordingly, the Court will not restate the facts underlying this case and this motion, and instead incorporates, in full, the facts as set forth in the R&R. (*See* R&R [Doc. No. 100] at 1–3.)

II. DISCUSSION

Where a party objects to an R&R, the Court undertakes an independent, de novo review and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1) (2012); *see also* D. Minn. L.R. 72.2(b)(3).

The magistrate judge recommended that Williams’ motion to suppress evidence obtained from the two traffic stops at issue be denied in its entirety. (R&R [Doc. No. 100] at 1.) Maurstad’s objection to the R&R directs the Court to consider his original Brief in Support of his Motion to Suppress Evidence [Doc. No. 82] and asserts that the arguments set forth within that brief demonstrate why the magistrate judge erred. (*See* Objection to R&R [Doc. No 101] at 1.) Maurstad asserts—without additional argument—that the two traffic stops at issue “were not supported by reasonable and articulable suspicion of criminal activity” and that “[b]oth were pretextual stops” rendering any evidence seized during the stops “fruit of the poisonous tree.” (*Id.* at 1–2.) The traffic stops at issue occurred on August 4, 2016 and January 29, 2018. (*See* R&R [Doc. No. 100] at 1–2.)

The Court has undertaken an independent, de novo review of the record, the applicable law, and the magistrate judge's application of the law to the facts of this case. The Court finds no error and agrees with the magistrate judge's conclusions. Accordingly, the Court overrules Maurstad's objection, and affirms and adopts the magistrate judge's report and recommendation in full.

III. CONCLUSION

Based on the submission and the entire file and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. Defendant's Objection [Doc. No. 101] to the August 21, 2019 Report and Recommendation [Doc. No. 100] is **OVERRULED**;
2. The August 21, 2019 Report and Recommendation [Doc. No. 100] is **AFFIRMED** and **ADOPTED**, and Defendant Tevin Jay Maurstad's Motion to Suppress Evidence [Doc. No. 43] is **DENIED**.

Dated: October 2, 2019

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge